

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

Western DIVISION

CIVIL COMPLAINT

Richard P. Hicks )

\_\_\_\_\_ )

vs. )

Dr. David M. Denenny and )

Ozarks Medical Center )

15-0801-CV-W JTM

CASE NO. \_\_\_\_\_

**I. Parties to this Civil Action**

A. Name of Plaintiff Richard P. Hicks

Address 1320 E. 18<sup>th</sup> Terrace  
Lawrence, KS  
66044

B. Defendant, Dr. David M. Denenny is employed as surgeon at Ozarks Medical Center

**II. Statement of Claim**

1. On or about 10/14/13 the plaintiff was taken to Ozark Medical Center after breaking his hip during a camping / kayaking trip near Eminence, MO. While under the care of Dr. Denenny and Ozarks Medical Center the wrong hip was installed in him.
2. The manner in which the hip implant was installed resulted in it being loose causing great pain and disability.
3. During the hip replacement procedure the plaintiff was infected resulting in a six week long illness which delayed timely rehabilitation and left him incontinent.
4. Within one year of this procedure the implant had to be removed and replaced with the correct one. This second operation was a direct result of the errors made in the first surgery.
5. The defendants failed to perform their professional duties in accordance with the proper standard of care, which resulted in the plaintiff's damages.

### **III. Relief**

The plaintiff seeks monetary compensation for:

1. All expenses connected with both long rehabilitations and both surgeries.
2. As a result of being out of work the plaintiff was unable to pay his bills and this dropped his credit ratings making it expensive to borrow money and afford insurance.
3. As a result of the loss in range of motion and strength the plaintiff is no longer able to continue on in his business as a wastewater system installer and must find a new career late in life.
4. Pain and suffering.
5. Punitive damages as both defendants have a long history of legal actions for negligent treatment and this should be addressed.

### **IV. Do you claim the wrongs alleged in your complaint are continuing to occur at the present time?**

No

### **V. Do you claim actual or punitive monetary damages for the acts alleged in your complaint?**

Yes

The plaintiff seeks \$1,000,000 in actual damages plus legal expenses pursuant to this case and in addition punitive damages as seems appropriate to the court. Actual damages include;  
Preventable pain and suffering resulting from the defendants actions.  
Loss of range motion and loss of strength and stamina which negatively impacts his ability to earn a living and operate his business as a wastewater system installer.  
Corrective surgery and rehabilitation expenses.  
Lost income / damaged credit rating due to inability to earn after the defendants actions.  
Psychological consequences and expenses.  
Loss of career and sole proprietorship business.

### **VI. Counsel**

Do you have an attorney to represent you in this civil action?

No

- A. Have you made any effort to contact a private attorney to determine if he or she would represent you in this civil action?

Yes

- B. If you answered yes, state the names and addresses of the attorneys contracted, and give the results of those efforts.

Thomas Deihl 2913 SW Maupin Ln. Topeka, KS  
David Ansley 3275 E Ridgeview St. Springfield, MO  
Debbie Dodge 3275 E Ridgeview St. Springfield, MO  
Don Saxton 1000 Broadway Ste 400 Kansas City, MO

They all said basically the same thing. These types of cases are expensive to bring and take a long time (over 2 years) to collect. They didn't think the amount of the reward would be enough to warrant it and they were busy with other cases.

## **VII. Administrative Procedures**

- A. Have the claims which you make in this civil action been presented through any type of Administrative Procedure within any government agency?

No

- B. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure.
- C. If you answered no, give the reasons, if any, why the claims made in this action have not been presented through Administrative Procedures.

I know of none.

C. If you answered no, give the reasons, if any, why the claims made in this action have not been presented through Administrative Procedures.

I know of none.

Signed this 13 day of October, 2015

Richard P. Hicks  
Signature of Plaintiff or Plaintiffs

### VERIFICATION

State of KANSAS )  
County of DOUGLAS )

Richard P. Hicks, being first duly sworn under oath, presents that he is the plaintiff in this action; that he knows the contents of the complaint; and that the information contained therein is true to the best of his knowledge and belief.

Richard P. Hicks  
Signature of Plaintiff or Plaintiffs

**All parties must verify**

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of October, 2015

[Signature]  
Notary Public

My Commission Expires

7-1-2017